

No. 516. *GOINS v. UNITED STATES*. On writ of certiorari, *post*, p. 623, to the Circuit Court of Appeals for the Fourth Circuit. Argued March 9, 10, 1939. Decided April 17, 1939. *Per Curiam*: As it appears on hearing argument that the District Court's failure to give Instruction B could not have prejudiced the petitioner, the writ of certiorari is dismissed. *Mr. S. H. Sutherland* for petitioner. *Mr. William W. Barron*, with whom *Solicitor General Jackson*, *Assistant Attorney General McMahon*, and *Messrs. George F. Kneip*, *Fred E. Strine*, and *W. Marvin Smith* were on the brief, for the United States. Reported below: 99 F. 2d 147.

No. 367. *EICHHOLZ v. PUBLIC SERVICE COMM'N OF MISSOURI ET AL.* April 17, 1939. The last sentence of the opinion is modified to read as follows:

"The decree of the District Court so far as it denies an injunction is affirmed."

The petition for rehearing is denied.

Reported as amended, *ante*, p. 268.

DECISIONS GRANTING CERTIORARI, FROM JANUARY 17, 1939, THROUGH APRIL 17, 1939.

No. 498. *BONET, TREASURER OF PUERTO RICO, v. YABUCOA SUGAR Co.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. William Cattron Rigby* and *Nathan R. Margold* for petitioner. *Mr. Earle T. Fidler* for respondent. Reported below: 98 F. 2d 398.

No. 541. *CARRIER ET AL. v. BRYANT*. January 30, 1939. Petition for writ of certiorari to the Supreme Court of North Carolina granted. *Mr. John W. Wood* for peti-

306 U. S.

Decisions Granting Certiorari.

tioners. *Messrs. Frederick D. Hamrick and Frederick D. Hamrick, Jr.* for respondent. Reported below: 214 N. C. 174; 198 S. E. 651.

No. 543. *SPRAGUE v. TICONIC NATIONAL BANK ET AL.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Harvey D. Eaton* for petitioner. *Messrs. F. Harold Dubord, George P. Barse, James Louis Robertson, and Trevor V. Roberts* for respondents. Reported below: 99 F. 2d 583.

No. 516. *GOINS v. UNITED STATES.* January 30, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted, limited to the question whether the Circuit Court of Appeals should have reversed the judgment of conviction because of the refusal of the trial court to grant Instruction B requested by the defendant. *Mr. S. H. Sutherland* for petitioner. *Solicitor General Jackson, Assistant Attorney General McMahon, and Mr. William W. Barron* for the United States. Reported below: 99 F. 2d 147.

No. 76. *MAYTAG COMPANY v. HURLEY MACHINE CO. ET AL.; and*

No. 77. *SAME v. EASY WASHING MACHINE CO.* See *post*, p. 666.

No. 603. *MONTGOMERY WARD & CO. v. TOLEDO PRESSED STEEL Co.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Carl V. Wisner* for petitioner. *Messrs. Wilber Owen and Samuel E. Darby, Jr.* for respondent. Reported below: 99 F. 2d 806.

No. 651. *HAGUE, MAYOR, ET AL. v. COMMITTEE FOR INDUSTRIAL ORGANIZATION ET AL.* February 6, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. Proceedings for execution and enforcement of the decree of injunction entered herein are stayed pending the hearing and determination of the cause. *Messrs. James A. Hamill, John A. Matthews, Charles Hershenstein, and Edward J. O'Mara* for petitioners. *Messrs. Morris L. Ernst, Spaulding Frazer, Lee Pressman and Benjamin Kaplan* for respondents. Reported below: 101 F. 2d 774; 25 F. Supp. 127.

No. 626. *TREINIES v. SUNSHINE MINING CO. ET AL.* February 13, 1939. Motion for leave to proceed *in forma pauperis*, and petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit, granted. *Mr. Thos. D. Aitken* for petitioner. No appearance for respondents. Reported below: 99 F. 2d 651.

No. 582. *ELECTRICAL FITTINGS CORP. ET AL. v. THOMAS & BETTS CO. ET AL.* February 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Samuel E. Darby, Jr. and Floyd H. Crews* for petitioners. *Messrs. Geo. Whitefield Betts, Jr., William Bohleber, and Francis H. Fassett* for respondents. Reported below: 100 F. 2d 403.

No. 606. *SANTA MONICA MOUNTAIN PARK CO. v. UNITED STATES.* February 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. John B. Milliken, Claude I. Parker, and L. A. Luce* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs.*

306 U. S.

Decisions Granting Certiorari.

Sewall Key, J. Louis Monarch, and W. Croft Jennings for the United States. Reported below: 99 F. 2d 450.

No. 613. *SOUTHERN PACIFIC CO. v. UNITED STATES*. March 6, 1939. Petition for writ of certiorari to the Court of Claims granted. *Mr. James R. Bell* for petitioner. *Solicitor General Jackson, Assistant Attorney General Whitaker, and Mr. Paul A. Sweeney* for the United States. Reported below: 87 Ct. Cls. 442.

No. 650. *BALDWIN ET AL., TRUSTEES, v. SCOTT COUNTY MILLING CO.* March 13, 1939. Petition for writ of certiorari to the Supreme Court of Missouri granted. *Messrs. H. H. Larimore and Thomas J. Cole* for petitioners. *Messrs. R. F. Baynes, Ralph E. Bailey, and James A. Finch* for respondent. Reported below: 343 Mo. 915; 122 S. W. 2d 890.

No. 660. *McCRONE v. UNITED STATES*. March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. H. Lowndes Maury* for petitioner. *Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Paul A. Freund, Charles A. Horsky, and Earl C. Crouter* for the United States. Reported below: 100 F. 2d 322.

No. 627. *UNITED STATES v. AUTOMOBILE FINANCING, INC.* March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Solicitor General Jackson* for the United States. *Mr. James F. Kemp* for respondent. Reported below: 99 F. 2d 498.

No. 628. *WOODRING, SECRETARY OF WAR, ET AL. v. WARDELL, RECEIVER.* March 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. MR. JUSTICE REED took no part in the consideration and decision of this application. *Solicitor General Jackson* for petitioners. *Messrs. Brice Claggett and Charles E. Wainwright* for respondent. Reported below: 69 App. D. C. 280; 100 F. 2d 690.

No. 629. *INLAND WATERWAYS CORP. ET AL. v. HARDEE, RECEIVER.* March 13, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. MR. JUSTICE REED took no part in the consideration and decision of this application. *Solicitor General Jackson* for petitioners. *Messrs. Swagar Sherley, Charles F. Wilson, George B. Springston, and James B. Springston* for respondent. Reported below: 69 App. D. C. 268; 100 F. 2d 678.

No. 661. *GENERAL ELECTRIC SUPPLY CORP. v. MAYTAG COMPANY.* March 13, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit granted. *Messrs. William H. Davis and Dean S. Edmonds* for petitioner. *Messrs. Thomas G. Haight, Wallace R. Lane, Oscar W. Jeffery, Benton Baker, and Nelson E. Johnson* for respondent. Reported below: 100 F. 2d 218.

No. 676. *RORICK v. DEVON SYNDICATE, LTD.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Mr. H. W. Fraser* for petitioner. *Messrs. Geo. D. Welles and Fred E. Fuller* for respondent. Reported below: 100 F. 2d 844.

No. 685. *PALMER ET AL. v. MASSACHUSETTS*. March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Edward R. Brumley and R. Ammi Cutter* for petitioners. *Messrs. Paul A. Dever and Edward O. Proctor* for respondent.

No. 708. *ROYAL INDEMNITY CO. v. WOODBURY GRANITE CO. ET AL.* March 27, 1939. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. *Messrs. William F. Kelly and P. J. J. Nicolaidis* for petitioner. *Messrs. Joseph Fairbanks and Edward Stafford* for Woodbury Granite Co. et al.; and *Mr. Louis M. Denit* for American Blower Co., respondents. Reported below: 101 F. 2d 689.

No. 701. *STANDARD BRANDS, INC. v. NATIONAL GRAIN YEAST CORP.* March 27, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted, limited to the question of the validity of Hayduck Patents Nos. 1,449,103; 1,449,105; and 1,449,106. *Mr. Charles P. Bauer* for petitioner. *Mr. Stephen H. Philbin* for respondent. Reported below: 101 F. 2d 814.

No. 772. *H. P. HOOD & SONS, INC., ET AL. v. UNITED STATES ET AL.*; and

No. 809. *WHITING MILK CO. v. SAME*. March 27, 1939. Petitions for writs of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Messrs. Charles B. Rugg, Warren F. Farr, H. Brian Holland, Archibald Cox, and Edward F. Merrill* for petitioners in No. 772. *Mr. Lawrence C. Jones*, Attorney General of Vermont, filed a memorandum, by leave of Court, in support of petitioners in No. 772. *Messrs. John M. Ray-*

mond, Lawrence Foster, and Augustin H. Parker, Jr. for petitioner in No. 809. *Solicitor General Jackson* for respondents. Reported below: 97 F. 2d 677.

No. 707. *SCHNEIDER v. STATE (TOWN OF IRVINGTON)*. April 3, 1939. Petition for writ of certiorari to the Court of Errors and Appeals of New Jersey granted. *Mr. Olin R. Moyle* for petitioner. *Mr. Joseph C. Braelow* for respondent. Reported below: 121 N. J. L. 542; 3 A. 2d 609.

No. 748. *FORD MOTOR Co. v. CLARK, SECRETARY OF STATE OF TEXAS, ET AL.* April 3, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Palmer Hutcheson* for petitioner. No appearance for respondents. Reported below: 100 F. 2d 515.

No. 163. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. WILSHIRE OIL Co.*;

No. 164. *SAME v. BANDINI PETROLEUM Co.*; and

No. 165. *SAME v. WILSHIRE ANNEX OIL Co.* April 3, 1939. Petition for writs of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *MR. JUSTICE REED* took no part in the consideration and decision of this application. *Solicitor General Jackson* for petitioner. *Mr. Joseph D. Brady* for respondents. Reported below: 95 F. 2d 971.

No. 702. *PITTMAN, CLERK OF THE SUPERIOR COURT OF BALTIMORE, v. HOME OWNERS' LOAN CORP.* April 17, 1939. Petition for writ of certiorari to the Court of Appeals of Maryland granted. *Messrs. William L. Henderson and H. Vernon Eney* for petitioner. *Solicitor Gen-*

306 U. S.

Decisions Granting Certiorari.

eral Jackson, Assistant Attorney General Morris, and Messrs. Sewall Key, Berryman Green, Warner W. Gardner, Harold Lee, and E. K. Neumann for respondent. Reported below: 175 Md. 512; 2 A. 2d 689.

No. 720. BOARD OF COUNTY COMMISSIONERS *v.* UNITED STATES. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. Thomas M. Lillard* for petitioner. *Solicitor General Jackson* for the United States. Reported below: 100 F. 2d 929.

No. 750. OKLAHOMA PACKING CO. ET AL. *v.* OKLAHOMA GAS & ELECTRIC CO. ET AL. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Mr. W. R. Brown* for petitioners. *Messrs. I. J. Underwood, Robert M. Rainey, and Streeter B. Flynn* for respondents. Reported below: 100 F. 2d 770.

No. 749. SNYDER *v.* MILWAUKEE. April 17, 1939. Petition for writ of certiorari to the Supreme Court of Wisconsin granted. *Messrs. A. W. Richter and Osmond K. Fraenkel* for petitioner. *Mr. Walter J. Mattison* for respondent. Reported below: 230 Wis. 131; 283 N. W. 301.

No. 865. BRANON *v.* UNITED STATES ET AL. April 17, 1939. Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit granted. *Mr. Edward F. Merrill* for petitioner. No appearance for respondents. Reported below: 97 F. 2d 677.